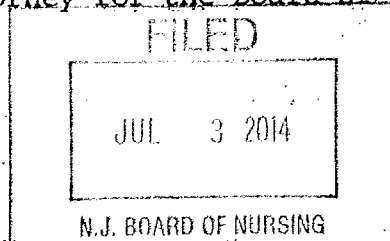
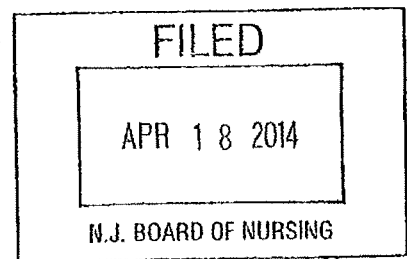


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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION OR  
REVOCATION OF THE CERTIFICATE OF

Kevin S. Tucker, C.H.H.A.  
Certificate No.: 26NH12494900

TO PRACTICE AS A CERTIFIED  
HOMEMAKER HOME HEALTH AIDE  
IN THE STATE OF NEW JERSEY

ADMINISTRATIVE ACTION

PROVISIONAL ORDER OF DISCIPLINE

☒ Finalized by Default on: 07/03/14

**FINAL**

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and on which the following preliminary findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Kevin S. Tucker, ("Respondent") is the holder of Homemaker-home Health Aide Certificate No. 26NH12494900 in the State of New Jersey. (See L2k printout, *Exhibit A*).

2. A Final Order of Discipline (FOD) was filed on February 28, 2013, suspending respondent's certificate to practice as a homemaker-home health aide because he had used a fraudulent credit card to pay for his renewal fees. The FOD stated that the first six months of suspension were to be active, with the remainder to be stayed and served as a period of probation. The active period of probation ended on August 28, 2013, but his certificate was not made active until the end of October 2013.

3. On September 30, 2013, while Respondent was on probation, the Board received a Flagging Notice stating that Respondent had been arrested on September 29, 2013, by the Jersey City Police Department for Possession/Use Of Controlled Dangerous Substance (N.J.S.A. 2C:35-10). Respondent was arrested during his period of stayed suspension. (See Flagging Notice, Exhibit B).

4. Upon receipt of the flagging notice, the Board sent a letter of inquiry via regular and certified mail on October 11, 2013, requesting certain information and submission of documents including a narrative regarding the arrest, to Respondent's address of record in Jersey City, New Jersey. The regular mail was not returned to the Board and the certified mailing was delivered and signed by what appears to be "Andrey Tucker".

Respondent has not responded. (See Flagging Letter with USPS Certified Mail Receipt, *Exhibit C*).

5. Respondent renewed his certificate on December 30, 2013. (See L2K printout, *Exhibit D*).

#### CONCLUSIONS OF LAW

Respondent has failed to respond to the Board's request for information about a criminal charge which is particularly concerning because Respondent was on probation when he received the charge. Respondent's failure to respond constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2, and 1.3, in violation of N.J.S.A. 45:1-21(e), subjecting Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

ACCORDINGLY, IT IS on this 18<sup>th</sup> day of April, 2014,

ORDERED that:

1. Kevin Tucker's certification to practice as a homemaker-home health aide is provisionally suspended for a period of two (2) years, active suspension.

2. Prior to Board consideration of any application of Respondent for reinstatement of his certification, Respondent must provide all the requested information in the flagging letter dated October 31, 2013.

3. A civil penalty in the total amount of \$200.00 is provisionally imposed upon Respondent for failing to

cooperate with a Board. Penalty should be made via certified check or money order payable to the State of New Jersey, delivered to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey, 07101. Payment shall be made no later than 15 days after notice of the entry of any Final Order is served in this matter, including any Order which is finalized by default. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

4. Respondent shall provisionally refrain from engaging in the practice of homemaker-home health aide and shall not represent herself as a certified homemaker-home health aide until such time as her certification is reinstated. Any practice in this State prior to such reinstatement shall constitute grounds for a charge of unlicensed practice.

5. Respondent may request a modification or dismissal of the above stated Findings of Fact or Conclusions of Law within 30 days of the date this Provisional Order is filed by:

a) Submitting a written request for modification or dismissal to George Hebert, Executive Director, Board of Nursing, 124 Halsey Street, Sixth Floor, P.O. Box 45010, Newark, New Jersey 07101.

b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.

c) Submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefore or offered in mitigation of penalty.

6. Any submissions will be reviewed by the Board and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Board is not persuaded that the submitted materials merit further consideration, a Final Order will be entered.

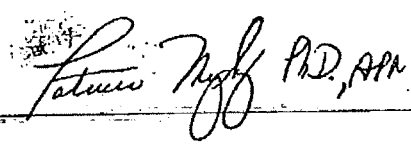
7. In the event that Respondent's submissions establish a need for further proceedings, including, but not limited to an evidentiary hearing, Respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of

fact and conclusions of law contained herein may serve as notice of the factual and legal allegations in such proceeding. Further, in the event a hearing is held and upon review of the record, the Board shall not be limited to the findings, conclusions and sanctions stated herein.

8. In the event that the Board receives no written request for modification or dismissal within 30 days following entry of this Provisional Order, without further Board review, all referenced preliminary Findings of Fact and Conclusions of Law and all provisional sanctions or penalties imposed by this Order shall automatically become the Final Decision and Order of the Board. Thereafter, Respondent's failure to comply with any sanction or penalty imposed by this Order shall be considered a violation of a Board Order in contravention of N.J.S.A. 45:1-21 (e) and (h) and N.J.A.C. 13:45C-1.4 and may subject Respondent to additional sanction and/or penalty.

NEW JERSEY STATE BOARD OF NURSING

By: \_\_\_\_\_

 PD, APN  
Patricia Murphy, PhD, APN  
President